

22553 U.S. PTO
10/785168

022304

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

0149-FCCC.99-04US

Total Pages

51

First Named Inventor or Application Identifier

Joseph R. TESTA; Yasuhiro MITSUUCHI; Poulikos I. POULIKAKOS

Entitled: MODULATION OF APPL EXPRESSION

Express Mail Label No.

EV 374761696 US

Date Mailed: February 23, 2004

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

1. ☒ Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)
2. ☒ Specification (Total Pages 42)
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R&D
 - Reference to Microfiche Appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
3. ☒ Drawing(s) (35 USC 113) (Total Sheets 9)
4. ☐ Oath or Declaration (Total Pages)
 - a. ☐ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 17 completed)
[Note Box 5 Below]
 - i. ☐ DELETION OF INVENTOR(S)
Signed Statement attached deleting inventor(s)
named in the prior application, see
37 CFR 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference (useable if Box 4b is checked)
The entire disclosure of the prior application, from which a copy of
the oath or declaration is supplied under Box 4b, is considered as
being part of the disclosure of the accompanying application and is
hereby incorporated by reference therein.

6. ☐ Microfiche Computer Program (Appendix)
7. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. ☐ Computer Readable Copy
 - b. ☐ Paper Copy (identical to computer copy)
 - c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

8. ☐ Assignment Papers (cover sheet & document(s))
9. ☐ 37 CFR 3.73(b) Statement [] Power of Attorney
(when there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure [] Copies of IDS
Statement (IDS)/PTO-1449 IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
14. ☒ Small Entity [] Statement Filed in prior
Status is application, Status still proper
Claimed and desired
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Other: _____

17. a. If a CONTINUING APPLICATION, check appropriate box and supply requisite information.

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP)

of the following application(s), each of which is hereby incorporated herein by reference:

PCT/US02/27018, filed August 23, 2002


b. Priority Applications

In addition to any applications listed in 17a, the present application also claims priority to the following application(s), each of which is hereby incorporated herein by reference.

60/314,530, filed August 23, 2001

18. CORRESPONDENCE ADDRESS

☒ Customer Number 000110 or
DANN, DORFMAN, HERRELL AND SKILLMAN, P.C.
 1601 Market Street, Suite 2400
 Philadelphia, PA 19103-2307
 Phone (215) 563-4100 Facsimile (215) 563-4044
 to the attention of the individual identified below.


 Kathleen D. Rigaut, Ph.D., J.D.
 Registration No. 43,047

FEE TRANSMITTAL	Complete if known
	Application Number: Not Yet Assigned
	Filing Date: February 23, 2004
	First Named Inventor: Joseph R. Testa, et al.
	Group Art Unit: Not Yet Assigned
	Examiner Name: Not Yet Assigned
Total Amt. of Payment: (1)+(2)+(3)= \$1,075	Attorney Docket Number: 0149-FCCC.99-04US

METHOD OF PAYMENT (check one)	FEE CALCULATION (continued)																																										
<p>1. The Commissioner is hereby authorized to:</p> <p><input type="checkbox"/> Charge indicated fees</p> <p><input checked="" type="checkbox"/> Charge additional fees</p> <p><input checked="" type="checkbox"/> Credit overpayments</p> <p>to the account of DANN, DORFMAN, HERRELL & SKILLMAN</p> <p>Deposit Account Number <u>04-1406</u></p> <p>2. Payment enclosed:</p> <p style="text-align: right;">Check in the amount of <u>\$1,075</u></p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: left;">ADDITIONAL FEES</th> </tr> <tr> <th style="text-align: left;">Fee Description</th> <th style="text-align: right;">Fee Paid</th> </tr> <tr><td>Surcharge-late filing fee or oath</td><td>_____</td></tr> <tr><td>Surcharge - late provisional filing fee or cover sheet</td><td>_____</td></tr> <tr><td>Extension for response within first month</td><td>_____</td></tr> <tr><td>Extension for response within second month</td><td>_____</td></tr> <tr><td>Extension for response within third month</td><td>_____</td></tr> <tr><td>Extension for response within fourth month</td><td>_____</td></tr> <tr><td>Notice of Appeal</td><td>_____</td></tr> <tr><td>Filing a brief in support of an appeal</td><td>_____</td></tr> <tr><td>Request for oral hearing</td><td>_____</td></tr> <tr><td>Petition to revive unavoidably abandoned application</td><td>_____</td></tr> <tr><td>Petition to revive unintentionally abandoned application</td><td>_____</td></tr> <tr><td>Issue fee</td><td>_____</td></tr> <tr><td>Petitions to the Commissioner</td><td>_____</td></tr> <tr><td>Petitions related to provisional applications</td><td>_____</td></tr> <tr><td>Submission of Information Disclosure Stmt.</td><td>_____</td></tr> <tr><td>Recording each patent assignment per property</td><td>_____</td></tr> <tr><td>Other fee (specify) <u>Advance Order (10 copies)</u></td><td>_____</td></tr> <tr><td>Other fee (specify)</td><td>_____</td></tr> <tr> <td style="text-align: right;">SUBTOTAL (3)</td> <td>_____</td> </tr> </table>	ADDITIONAL FEES		Fee Description	Fee Paid	Surcharge-late filing fee or oath	_____	Surcharge - late provisional filing fee or cover sheet	_____	Extension for response within first month	_____	Extension for response within second month	_____	Extension for response within third month	_____	Extension for response within fourth month	_____	Notice of Appeal	_____	Filing a brief in support of an appeal	_____	Request for oral hearing	_____	Petition to revive unavoidably abandoned application	_____	Petition to revive unintentionally abandoned application	_____	Issue fee	_____	Petitions to the Commissioner	_____	Petitions related to provisional applications	_____	Submission of Information Disclosure Stmt.	_____	Recording each patent assignment per property	_____	Other fee (specify) <u>Advance Order (10 copies)</u>	_____	Other fee (specify)	_____	SUBTOTAL (3)	_____
ADDITIONAL FEES																																											
Fee Description	Fee Paid																																										
Surcharge-late filing fee or oath	_____																																										
Surcharge - late provisional filing fee or cover sheet	_____																																										
Extension for response within first month	_____																																										
Extension for response within second month	_____																																										
Extension for response within third month	_____																																										
Extension for response within fourth month	_____																																										
Notice of Appeal	_____																																										
Filing a brief in support of an appeal	_____																																										
Request for oral hearing	_____																																										
Petition to revive unavoidably abandoned application	_____																																										
Petition to revive unintentionally abandoned application	_____																																										
Issue fee	_____																																										
Petitions to the Commissioner	_____																																										
Petitions related to provisional applications	_____																																										
Submission of Information Disclosure Stmt.	_____																																										
Recording each patent assignment per property	_____																																										
Other fee (specify) <u>Advance Order (10 copies)</u>	_____																																										
Other fee (specify)	_____																																										
SUBTOTAL (3)	_____																																										
<table style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: left;">FEE CALCULATION</th> </tr> <tr> <th style="text-align: left;">Fee Description</th> <th style="text-align: right;">Fee</th> </tr> <tr><td>Utility filing fee</td><td style="text-align: right;">385</td></tr> <tr><td>Design filing fee</td><td style="text-align: right;">_____</td></tr> <tr><td>Plant filing fee</td><td style="text-align: right;">_____</td></tr> <tr><td>Reissue filing fee</td><td style="text-align: right;">_____</td></tr> <tr><td>Provisional filing fee</td><td style="text-align: right;">_____</td></tr> <tr> <td style="text-align: right;">SUBTOTAL (1)</td> <td style="text-align: right;">\$385</td> </tr> </table>	FEE CALCULATION		Fee Description	Fee	Utility filing fee	385	Design filing fee	_____	Plant filing fee	_____	Reissue filing fee	_____	Provisional filing fee	_____	SUBTOTAL (1)	\$385																											
FEE CALCULATION																																											
Fee Description	Fee																																										
Utility filing fee	385																																										
Design filing fee	_____																																										
Plant filing fee	_____																																										
Reissue filing fee	_____																																										
Provisional filing fee	_____																																										
SUBTOTAL (1)	\$385																																										
<p>2. Claims</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <th></th> <th style="text-align: right;">Paid</th> <th style="text-align: right;">Extr</th> <th style="text-align: right;">Fee</th> </tr> <tr> <td>Total Claims</td> <td style="text-align: right;">68 - 20 = 48</td> <td style="text-align: right;">x 9 =</td> <td style="text-align: right;">432</td> </tr> <tr> <td>Independent Claims</td> <td style="text-align: right;">9 - 3 = 6</td> <td style="text-align: right;">x 43 =</td> <td style="text-align: right;">258</td> </tr> <tr> <td>Multiple Dependent (First presentation)</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: right;">SUBTOTAL (2)</td> <td colspan="3" style="text-align: right;">\$690</td> </tr> </table>			Paid	Extr	Fee	Total Claims	68 - 20 = 48	x 9 =	432	Independent Claims	9 - 3 = 6	x 43 =	258	Multiple Dependent (First presentation)				SUBTOTAL (2)	\$690																								
	Paid	Extr	Fee																																								
Total Claims	68 - 20 = 48	x 9 =	432																																								
Independent Claims	9 - 3 = 6	x 43 =	258																																								
Multiple Dependent (First presentation)																																											
SUBTOTAL (2)	\$690																																										

Submitted By:

Typed or

Printed Name Kathleen D. Rigaut, Ph.D., J.D.

Reg. Number 43,047

Signature 

Date February 23, 2004

Deposit Account User ID

04-1406